

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Sub-Chapter 9

Interim Status Standards for Owners and Operators
of Hazardous Waste Treatment, Storage,
and Disposal Facilities

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Sub-Chapter 9

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17.53.901 ADOPTION OF FEDERAL INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES (40 CFR 265) (1) Except as provided otherwise in ARM 17.53.902, the department hereby adopts and incorporates by reference 40 CFR 265, pertaining to interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities. (History: 75-10-404, 75-10-405, MCA; IMP, 75-10-405, 75-10-406, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

17.53.902 EXCEPTIONS AND ADDITIONS TO ADOPTION OF FEDERAL INTERIM STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES (1) In 40 CFR 265.1(a), pertaining to the scope of permits, "state" is substituted for "national".

(2) In 40 CFR 265.1(b), pertaining to the scope of permits, "subchapter 12, the state permitting program" is substituted for "section 3005 of RCRA" in both places where it appears.

(3) 40 CFR 265.1(c)(4), pertaining to the scope of permits, is not adopted and incorporated by reference.

(4) The requirements in 40 CFR 265.1(c)(5) are replaced with: "The standards set forth in this subchapter do not apply to owners or operators of solid waste management systems licensed by the department pursuant to ARM Title 17, chapter 50, subchapter 5, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by the requirements for conditionally exempt generators in 40 CFR 261.5, as incorporated by reference in ARM 17.53.501(1)".

(5) In 40 CFR 265.12(a)(1), pertaining to required notices, the reference to "regional administrator" is retained.

(6) ARM 17.53.903 is substituted for 40 CFR 265.75, pertaining to biennial reports, and all references to "biennial report" in 40 CFR 265 are replaced with "annual report".

(7) In 40 CFR 265.143(g) and 265.145(g), pertaining to financial assurance and cost estimates for closure and post-closure, the language "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained by the director and submitted to the director of the environmental agency in each of the states within which the other facilities are located. If a facility is located in an unauthorized state, the evidence must be submitted to the appropriate regional administrator." is substituted for "If the facilities covered by the mechanism are in more than one region, identical evidence of financial assurance must be submitted to and maintained with the regional administrators of all such regions."

(8) 40 CFR 265.149 and 265.150, pertaining to use of state required mechanisms and state assumption of responsibility, are not adopted and incorporated by reference.

(9) In 40 CFR 265.191(a), pertaining to the compliance date for providing tank integrity assessments, "January 12, 1988, for HSWA tanks, and March 15, 1991, for non-HSWA tanks" is substituted for "January 12, 1988".

(10) In 40 CFR 265.191(c), pertaining to the compliance date for providing tank integrity assessments, "July 14, 1986, for HSWA tanks, and March 15, 1991, for non-HSWA tanks, must conduct this assessment within 12 months after the date that the waste becomes a state regulated hazardous waste" is substituted for "July 14, 1986, must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste".

(11) In 40 CFR 265.193(a)(2), pertaining to the compliance date for providing secondary containment for tanks, "within two years after January 12, 1987, for HSWA tanks, and within two years after March 15, 1991, for non-HSWA tanks" is substituted for "within two years after January 12, 1987".

(12) In 40 CFR 265.193(a)(3), pertaining to the compliance date for providing secondary containment for tanks, "within two years after January 12, 1987, for HSWA tanks, and within two years after March 15, 1991, for non-HSWA tanks" is substituted for "within two years after January 12, 1987".

(13) In 40 CFR 265.193(a)(4), "within eight years after January 12, 1987, for HSWA tanks, and within eight years after March 15, 1991, for non-HSWA tanks" is substituted for "within eight years of January 12, 1987"; and "within two years after January 12, 1991" is substituted for "within two years of January 12, 1987".

(14) In 40 CFR 265.193(a)(5), "January 12, 1987, for HSWA tanks, and March 15, 1991, for non-HSWA tanks, within the time intervals required in paragraphs (a)(1) through (a)(4) of this section, except that the date that a material becomes a state regulated hazardous waste must be used in place of January 12, 1987, for HSWA tanks, and March 15, 1991, for non-HSWA tanks." is substituted for "January 12, 1987, within the time intervals required in paragraphs (a)(1) through (a)(4) of this section, except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987".

(15) In 40 CFR 265.221(d)(2)(i)(C) and 265.301(d)(2)(i)(C), "Title 17, chapter 53, subchapter 12, the state permitting program" is substituted for "RCRA Section 3005(c)". All references to RCRA section 3005 or 3005(c) concerning permitting in 40 CFR 265, incorporated by reference at ARM 17.53.901(1), also are replaced with "subchapter 12, the state permitting program".

(16) In 40 CFR 265.221(d)(2)(i)(B), 265.301(d)(2)(i)(B) and 265.314(g)(2), pertaining to the definition of the term "underground source of drinking water", "40 CFR 270.2" is substituted for "144.3 of this chapter".

(17) In 40 CFR 265.316(b), pertaining to lab packs, "(49 CFR Part 178)" is substituted for "(49 CFR Parts 178 and 179)".

(18) 40 CFR 265, subpart R, pertaining to underground injection, is not adopted and incorporated by reference. Instead, interim status facilities that dispose of hazardous waste by underground injection are subject to the requirements in ARM 17.53.102(3).

(19) In 40 CFR 265.440(a), pertaining to drip pads, "December 6, 1990 for HSWA drip pads, and September 25, 1992 for non-HSWA drip pads" is substituted for "December 6, 1990".

(20) In 40 CFR 265.440(a), "December 24, 1992 for HSWA drip pads, and September 25, 1992 for non-HSWA drip pads" is substituted for "December 24, 1992".

(21) In 40 CFR 265.1080(c)(1) and (2), "40 CFR 124.5" is substituted for "40 CFR 124.15".

(22) In 40 CFR 265.1083(c)(4)(ii), pertaining to treated organic hazardous constituents in waste, the second occurrence of "EPA" is retained. (History: 75-10-404, 75-10-405, MCA; IMP, 75-10-405, 75-10-406, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

17.53.903 ANNUAL REPORT (1) The owner or operator of an interim status hazardous waste management facility shall prepare and submit an annual report to the department by March 1 of each year, on forms obtained from the department. The report must cover facility activities during the previous calendar year and must include the following information:

- (a) the EPA identification number, name, and address of the facility;
- (b) the calendar year covered by the report;
- (c) for off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;
- (d) a description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;
- (e) the method of treatment, storage, or disposal for each hazardous waste;
- (f) monitoring data required under 40 CFR 265.94(a)(2)(ii) and (iii), and (b)(2), where required;
- (g) the most recent closure cost estimate under 40 CFR 265.142, and for disposal facilities the most recent post-closure cost estimate under 40 CFR 265.144;
- (h) for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (i) for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and
- (j) a certification made in accordance with 40 CFR 270.11 and signed and dated by the owner or operator of the facility or an authorized representative. (History: 75-10-404, 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

